

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAMES SAYLOR,

Plaintiff,

vs.

STATE OF NEBRASKA; NEBRASKA
DEPARTMENT OF CORRECTIONAL
SERVICES; RANDY KOHL, M.D.;
NATALIE BAKER, M.D; MOHAMMAD
KAMAL, M.D.; CAMERON WHITE, Ph.D.;
MARK WEILAGE, Ph.D.; ROBERT
HOUSTON; FRED BRITTEN; DENNIS
BAKEWELL; KARI PEREZ, Ph.D; and
CORRECT CARE SOLUTIONS, LLC,

Defendants.

4:12CV3115

MEMORANDUM AND ORDER

This matter is before the court on the plaintiff's motion for leave to file a Second Amended Complaint, Filing No. [105](#). The proposed amended complaint is attached to the motion. Filing No. [105-1](#). The defendants have objected to the motion. Filing Nos. [108](#) (denominated as a brief), [109](#), and [110](#). The court has reviewed the defendants' objections and finds they lack merit. Under the federal rules, "the court should freely give leave when justice so requires." [Fed. R. Civ. P. 15\(b\)\(2\)](#). The proposed second amended complaint addresses some of the issues raised in the defendant's motions to dismiss, Filing Nos. [82](#), [84](#), and [95](#). Those motions will be rendered moot by the filing of the Second Amended Complaint. The plaintiff is cautioned that no further amendment will be allowed. Accordingly,

IT IS ORDERED:

1. The plaintiff's motion for leave to file a Second Amended Complaint (Filing No. [105](#)) is granted.

2. The defendants' objections thereto (Filing Nos. [108](#), [109](#), and [110](#)) are overruled.

3. The proposed Second Amended Complaint (Filing No. [105-1](#)) is deemed filed this date.

4. The defendants shall respond to the Second Amended Complaint within 14 days of the date of this order.

5. The defendants' pending motions to dismiss (Filing Nos. [82](#), [84](#), and [95](#)) are denied as moot, without prejudice to reassertion.

DATED this 16th day of July, 2013.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge